

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1)	WILLIAM B. CAPERS, JR. and)	
(2)	JENNIFER K. CAPERS,)	
)	
	Plaintiffs,)	
)	
v.)	Case No. 21-cv-013-KEW
)	
(1)	KOSS CONSTRUCTION)	
	COMPANY and)	
(2)	CENTRAL PLAINS CEMENT)	
	COMPANY,)	
)	
	Defendants.)	

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

The Plaintiffs, William B. Capers, Jr. and Jennifer K. Capers, and the Defendant, Koss Construction Company, pursuant to Rule 41(a)(1)(A), Fed.R.Civ.P., stipulate the voluntary dismissal of this lawsuit for the reasons set forth below:

1. The parties have identified additional potential Defendants that Plaintiffs intend to add as Defendants in this lawsuit.
2. One or more of the new Defendants to be added to this lawsuit are incorporated in the State of Oklahoma, therefore destroying diversity and federal jurisdiction of this matter.
3. This action must be refiled in the District Court in McIntosh County.

WHEREFORE, for the reasons stated above, the parties hereto stipulate that the present lawsuit may be dismissed without prejudice due to lack of subject matter jurisdiction.

Respectfully submitted,

s/ Gerard F. Pignato

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KIMBERLY E. WEST, U.S. MAGISTRATE JUDGE